

**AFFIDAVIT OF ELIGIBILITY and LIABILITY/PUBLICITY RELEASE**

State of \_\_\_\_\_)

:

County of \_\_\_\_\_)

I, \_\_\_\_\_, being duly sworn say that I am at least 21 years of age, I reside at \_\_\_\_\_, and my telephone number is (\_\_\_\_) \_\_\_\_\_. My social security number is \_\_\_\_\_. I am not employed by \_\_\_\_\_. I am submitting this Affidavit and Release with the understanding that it will be relied upon to determine my eligibility in the Napili Kai Celebrates 50 Years of Aloha Sweepstakes (the "Promotion") sponsored by Napili Kai, Ltd. (the "Sponsor").

I affirm and represent that I have read and understand the Official Rules of the Promotion (a true copy of which is attached). I further affirm and represent that I have complied with all the rules and regulations of the Promotion. I further state that I am not an employee (or other non-eligible party) of the Sponsor or of any other person or entity stated in the Official Rules whose employees are not eligible to enter the Promotion, nor am I a member of the family or living in the same household of any such employee.

I hereby give my consent to Sponsor, and those acting under or pursuant to its authority, to use my name, address (city and state only), picture, portrait, likeness, and voice in any and all advertising and promotional materials relating to the Promotion, and similar promotions which may be offered by the Sponsor. I waive any right to review or approve any such use.

**I, on behalf of myself, my heirs, assigns, executors, administrators, and any others who may take by or through me, do hereby waive and release, and agree to hold harmless the Sponsor, its parent, subsidiaries, affiliates, distributors, advertising and promotion agencies, and all their respective officers, directors, employees, representatives and agents, from and against, any and all rights, claims and causes of action whatsoever I may have, or which may arise, against any of them for any liability for any matter, cause or thing whatsoever, including but not limited to any injury, loss or damage, whether direct, compensatory, incidental or consequential, to person, including death, and property, arising in whole or in part, directly or indirectly, from my acceptance, possession, use or misuse of the prize in the Promotion, or my participation in the Promotion, or my participation in any Promotion or prize related activity.**

I acknowledge that neither the Sponsor nor any agency have arranged for or carry any insurance of any kind for my benefit or that my heirs, executors, assigns or administrators relative to my use or enjoyment of the prize; and that I am solely responsible for obtaining and paying for any life, travel, accident, property or other insurance relative to my use or enjoyment of the prize.

As a condition of participating in this Promotion, participant agrees that any and all disputes which cannot be resolved between the parties, and causes of action arising out of or connected

with this Promotion, shall be resolved individually, without resort to any form of class action, exclusively, before a court located in the County of Maui having competent jurisdiction, which Court shall apply the laws of the State of Hawaii without regard for doctrines of Conflict of Law. Further, in any such dispute, under no circumstances will participant be permitted to obtain awards for, and hereby waives all rights to claim punitive, incidental or consequential damages, or any other damages, including attorneys' fees, other than participant's actual out-of-pocket expenses (i.e., costs associated with entering this Promotion), and participant further waives all rights to have damages multiplied or increased.

I further acknowledge that I am solely responsible for all taxes which may be due on the prize, and that my winning and accepting of the prize will be reported as may be required by law.

I agree to return or have returned immediately, upon demand, to the Sponsor any prize or the value of said prize which has been awarded me, if any statement made by me in the Document is or proves to be false.

I HAVE READ, FULLY UNDERSTAND, AND AGREE WITH ALL OF THE ABOVE.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

Dated \_\_\_\_\_